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6
7 IN THE UNITED STATES DISTRICT COURT FOR THE
8 EASTERN DISTRICT OF CALIFORNIA
9

10 UNITED STATES OF AMERICA,)
11 Plaintiff,) No. Cr. S-92-074 DFL
12 v.) MOTION FOR LEAVE TO DISMISS
13 MARIO R. MARTINEZ,) PURSUANT TO RULE 48(a);
14 Defendant.) ORDER
15 _____)

16 The United States of America hereby moves pursuant to Rule
17 48(a) of the Federal Rules of Criminal Procedure for leave to
18 dismiss the Indictment in this case. In support thereof, the United
19 States represents as follows:

20 This case was indicted on February 12, 1992. The defendant,
21 Mario Ruben Martinez, was charged with multiple counts of mail fraud
22 and false statements in connection with an alleged series of
23 government contract frauds. The defendant fled to Canada, and then
24 to Argentina, and never appeared in this district.

25 Extradition proceedings were initiated against the defendant in
26 Argentina in the 1990s. I was informed that the courts there
27 authorized his extradition, but that the defendant reportedly
28 escaped from prison in Argentina. He is believed to no longer be in

1 Argentina.

2 Over 13 years have passed since the defendant was indicted in
3 this case. None of the prosecutors who had direct contact with this
4 case are still employed in this office. I have discussed this
5 matter with the case agent from DCIS, and he agrees that the
6 evidence is stale, witnesses have moved or died, and that it
7 currently appears unlikely that the defendant will be apprehended
8 and brought to this district in the near future. Accordingly, the
9 Government seeks leave to dismiss the indictment in this case.

10
11 Date: April 27, 2005

Respectfully Submitted,

12 McGREGOR W. SCOTT
13 United States Attorney

/S/ Benjamin Wagner

14 By: BENJAMIN B. WAGNER
15 Assistant U.S. Attorney
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10 UNITED STATES OF AMERICA,)
11 Plaintiff,) No. Cr. S-92-074 DFL
12 v.) ORDER DISMISSING INDICTMENT
13 MARIO R. MARTINEZ,)
14 Defendant.)
15 _____)

16 The United States has moved pursuant to Rule 48(a) of the
17 Federal Rules of Criminal Procedure for leave to dismiss the
18 Indictment. Good cause having been shown, leave to dismiss the
19 Indictment is **GRANTED**, and the Indictment is hereby **DISMISSED**.
20
21

22 DATE: 4/29/2005
23

24 
25 _____
26 DAVID F. LEVI
United States District Judge
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